

UNITED STATES PATENT AND TRADEMARK OFFICE

\_\_\_\_\_  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_

Ex parte MATTHEW VACEK and GEORGE B. GRIFFITH  
\_\_\_\_\_

Application No. 09/883,790  
\_\_\_\_\_

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
\_\_\_\_\_

MAILED

FEB 17 2006

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

This application was electronically received at the Board of Patent Appeals and Interferences on January 9, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The appendix of the appeal brief filed on April 8, 2004, contains underlining and brackets in the claims (see claims 5, 6, and 8). The Manual of Patent Examining Procedure (MPEP) § 1206 requires the appendix of claims to be a clean copy, without underlines and brackets. Therefore, the appendix of the appeal brief is defective.

Application No. 09/883,790

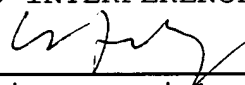
Accordingly, it is

ORDERED that this application be returned to the examiner to notify appellants that the appendix to the appeal brief filed April 8, 2004, is defective and request that appellants submit a corrected copy of the claims on appeal or that the examiner submit an appendix containing a corrected copy of the claims on appeal and; for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: \_\_\_\_\_

  
Craig R. Feinberg  
Program and Resource Administrator  
(571)272-9797

cc: Waddey & Patterson  
1600 Division Street, Suite 500  
Nashville, TN 37203